

DECLARATION, POWER OF ATTORNEY AND PETITION

We, **JOHN T. FORBIS, RANDY QUAINANCE and RONALD R. WEST**, declare: that we are citizens of the United States of America; that our residences and post office addresses are P.O. Box 636, York, Nebraska 68467, P.O. Box 636, York, Nebraska 68467 and 2230 North University Parkway, Suite 1-B, Provo, Utah 84604, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled **FENCE SYSTEM WITH VARIABLE POSITION RAIL**, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents GRANT R. CLAYTON, Registration No. 32,462, ALAN J. HOWARTH, Registration No. 36,553 and KARL R. CANNON, Registration No. 36,468, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to:

Customer No. 20449

All telephonic communications should be directed to:

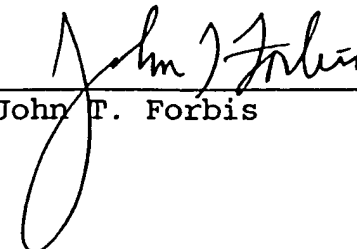
KARL R. CANNON
Telephone: (801) 255-5335
Facsimile: (801) 256-2043

Please reference the below provided attorney docket number in all communications:

T7611

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at York, Ne, this
(City) (State)
11th day of March, 1999.



John T. Forbis

Signed at York, NE, this
(City) (State)
11 day of March, 1999.


Randy Quaintance

Signed at _____, _____, this
(City) (State)
_____ day of _____, 1999.

Ronald R. West

Dec, POA & Pet

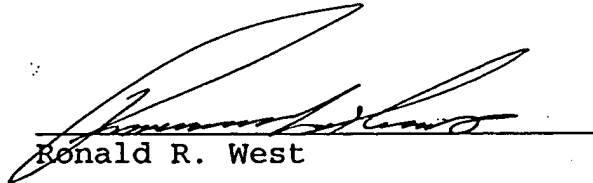
Ron West
Signed on
next page

Signed at _____, _____, this
(City) (State)
_____ day of _____, 1999.

Randy Quaintance

Randy
Quaintance
Signed on
previous
page

Signed at Sonay, 47, this
(City) (State)
10 day of MARCH, 1999.



Ronald R. West

Dec, POA & Pet